

**SUPREME COURT MINUTES
TUESDAY, NOVEMBER 20, 2001
SAN FRANCISCO, CALIFORNIA**

S100997 The People, Plaintiff and Respondent

2nd Dist. v.

B141476 David Joseph Calloway, Defendant and Appellant

Div. 2 Petition for review GRANTED.

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Engelman*, S086462 (see Cal. Rules of Court, rule 29.2(c)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.3, is deferred pending further order of the court.

George, C.J.

Kennard, J.

Baxter, J.

Werdegar, J.

Chin, J.

Brown, J.

Moreno, J.

S100816 In re Walter Richard Jones

on

Habeas Corpus

The Director of Corrections is ordered to show cause before the Santa Clara County Superior Court, when the matter is placed on calendar, why the relief prayed for should not be granted. The return shall be filed on or before December 20, 2001.

George, C.J.

Kennard, J.

Werdegar, J.

Chin, J.

Moreno, J.

- S091297 Harvey Greenfield, Plaintiff and Appellant
1st Dist. v.
A086982 Fritz Companies Inc. et al., Defendants and Respondents
Div. 4 To assist in the resolution of this case, the court hereby orders the parties to simultaneously brief the following issue: whether, in light of the so-called “efficient capital markets hypothesis” or otherwise, the complaint sufficiently alleges a casual relationship between the alleged misrepresentations and any alleged, nonspeculative damages.
Supplemental opening briefs shall be served and filed by both parties on or before December 19, 2001, and supplemental reply briefs shall be served and filed on or before January 8, 2002.
- S101059 Walter Charles Becketl, Petitioner
v.
Court of Appeal Second Appellate District, Respondent
Alanis Nadine Morissette, Real Party in Interest
Petition for writ of mandate DENIED.
- S101297 Josh Thomas, Petitioner
v.
Court of Appeal Fifth Appellate District, Respondent
Pete Wilson, Real Party in Interest
Petition for writ of mandate DENIED.
- S101871 Gary Lewis Dansby, Petitioner
v.
Court of Appeal Fourth Appellate District, Respondent
Petition for writ of mandate DENIED.
- 1st Dist. Berkeley Keep Jets Over the Bay Committee,
A086708 Petitioner and Appellant
A087959 v.
A089660 Board of Port Commissioners, Defendant and Appellant
Div. 2 And Related Cases
S101241 Petition for review DENIED.

1st Dist. A090081 Div. 4 S100430	People, Respondent v. Kevin Ray Devereaux, Appellant Petition for review DENIED. The request for an order directing publication of the opinion is denied.
1st Dist. A091517 Div. 3 S101030	Anthony T. Johnson, Appellant v. Alameda-Contra Costa Transit District, Respondent Petition for review DENIED.
1st Dist. A092785 Div. 1 S100870	People, Respondent v. Merlen D. Busby, Appellant Petition for review DENIED.
1st Dist. A093130 Div. 5 S100964	Hani Al-Zaghari, Respondent v. Eva D. Al-Zaghari et al., Appellants Petition for review DENIED.
1st Dist. A093284 Div. 3 S101402	People, Respondent v. Michael Phillip Jack, Appellant Petition for review DENIED.
1st Dist. A094586 Div. 5 S100851	Sung Ae Choi, Appellant v. Contra Costa County Superior Court, Respondent People, Real Party in Interest Petition for review DENIED.
1st Dist. A094620 Div. 1 S101507	Edward Schuler, Plaintiff and Appellant v. Sally Reed, as Director, etc., Defendant and Respondent Petition for review DENIED.

1st Dist. Michelle Lyn Michaud, Petitioner
A096055 v.
Div. 4 Alameda County Superior Court, Respondent
S100612 People, Real Party in Interest
Petition for review DENIED.

1st Dist. Charles Anthony Diaz, Petitioner
A096230 v.
Div. 1 Mendocino County Superior Court, Respondent
S101169 People, Real Party in Interest
Petition for review DENIED.

1st Dist. Zachary Terry Harris, Sr., Petitioner
A096296 v.
Div. 5 Lake County Superior Court, Respondent
S101453 People, Real Party in Interest
Petition for review DENIED.

2nd Dist. William H. Horrigan et al., Plaintiffs and Appellants
B120239 v.
Div. 4 Kindel & Anderson et al., Defendants and Respondents
S100640 Petition for review DENIED.

2nd Dist. Ruth Kennedy, Plaintiff and Appellant
B122245 v.
Div. 5 Friskies Petcare Company, Defendant and Respondent
S100556 Petition for review DENIED.
The request for judicial notice is denied.

2nd Dist. People, Respondent
B124584 v.
Div. 2 Carlos Fabian Cano, Appellant
S101544 Petition for review DENIED.

2nd Dist. Lance Camper Mfg. Corp., Plaintiff and Appellant
B131976 v.
Div. 2 Republic Indemnity Company of America, Defendant and Appellant
S100378 Petition for review DENIED.
The request for an order directing depublication of the opinion is denied.

2nd Dist. The Limited, Inc., Plaintiff, Appellant and Cross-Respondent
B133787 v.
Div. 7 Royal Indemnity Company,
S101235 Defendant, Respondent and Cross-Appellant
 Petition for review DENIED.

2nd Dist. Granitex Construction Company, Inc.,
B134935 Plaintiff, Cross-defendant and Respondent
Div. 5 v.
S100850 L.K. Comstock & Company, Inc.,
 Defendant, Cross-complainant and Appellant
 Gulf Insurance Company, Cross-defendant and Appellant
 Petition for review DENIED.
 The request for an order directing partial publication of the
 opinion is denied.

2nd Dist. Roger Bourban, Plaintiff and Respondent
B135390 v.
Div. 1 Gilda Davis, Defendant and Appellant
S101392 Petition for review DENIED.

2nd Dist. Ara A. Derdarian et al., Plaintiffs and Appellants
B137866 v.
Div. 6 Union Oil of California et al., Defendants and Respondents
S101346 Petition for review DENIED.

2nd Dist. Edwin C. Martin, Cross-complainant and Appellant
B140060 v.
Div. 1 Joseph Daniel Davis, Cross-defendant and Respondent
S101408 Petition for review DENIED.

2nd Dist. People, Respondent
B141199 v.
Div. 1 Francisco Federico, Appellant
S101539 Petition for review DENIED.

2nd Dist. People, Respondent
B141977 v.
Div. 5 Mynor Monzon et al., Appellants
S100868 Petitions for review DENIED.

2nd Dist. B142213 Div. 2 S101439	People, Respondent v. Arturo Rene Garcia, Appellant Petition for review DENIED.
2nd Dist. B142444 Div. 3 S101427	People, Respondent v. Bobbie Wells Suter, Appellant Petition for review DENIED.
2nd Dist. B142870 Div. 4 S101231	People, Respondent v. Brian Kenneth Barbosa, Appellant Petition for review DENIED.
2nd Dist. B143224 Div. 4 S101380	People, Respondent v. Ernest Mendoza, Appellant Petition for review DENIED.
2nd Dist. B144010 B146027 Div. 4 S101429	Maria Horwitz, Plaintiff and Appellant v. Mark Horwitz et al., Defendants and Respondents And Related Case Petition for review DENIED.
2nd Dist. B144391 Div. 6 S100668	Karen Kain et al., Plaintiffs and Appellants v. California Department of Health Svcs., Defendant and Respondent Petition for review DENIED.
2nd Dist. B144810 Div. 2 S101259	Santa Marta Hospital, Plaintiff and Respondent v. Truck Insurance Exchange, Defendant and Appellant Petition for review DENIED.

2nd Dist. In re Matsimela M., a Person Coming Under the Juvenile Court Law
B144887 -----
Div. 4 Los Angeles County Department of Children and Family Services,
S100977 Plaintiff and Respondent
v.
Angelia McMorris, Defendant and Appellant
Petition for review DENIED.

2nd Dist. People, Respondent
B145114 v.
Div. 1 Darryl Love, Appellant
S101428 Petition for review DENIED.

2nd Dist. People, Respondent
B145423 v.
Div. 3 Jose Martinez, Appellant
S101095 Petition for review DENIED.

2nd Dist. People, Plaintiff and Respondent
B145461 v.
Div. 4 Darrell L. McConico, Defendant and Appellant
S101528 Petition for review DENIED.

2nd Dist. People, Plaintiff and Respondent
B146656 v.
Div. 3 Alfred S. Burrell, Defendant and Appellant
S101394 Petition for review DENIED.

2nd Dist. Karen Terteryan et al., Petitioners
B147452 v.
B147799 Los Angeles County Superior Court, Respondent
Div. 1 Rafael Gevorgyan et al., Real Parties in Interest
S100790 and Companion Matter
Petition for review DENIED.
Chin, J., is of the opinion the petition should be granted.

2nd Dist. In re Twighla T., a Person Coming Under the Juvenile Court Law
B148675 -----
Div. 5 Dept. of Children & Family Svcs., Los Angeles County,
S101359 Plaintiff and Appellant
Sandra Noble, Defendant and Appellant
Petition for review DENIED.

2nd Dist. Priority Records Incorporated, Petitioner
B152511 v.
Div. 1 Los Angeles County Superior Court, Respondent
S101329 Geneva Burger, Real Party in Interest
Application for stay and petition for review DENIED.
Kennard, J., is of the opinion the petition should be granted.

2nd Dist. Termaine Mickael Bailey, Petitioner
B152639 v.
Div. 3 Los Angeles County Superior Court, Respondent
S100848 People, Real Party in Interest
Petition for review DENIED.

2nd Dist. In re Fernando Maldonado
B152830 on
Div. 2 Habeas Corpus
S101442 Petition for review DENIED. (*Ross v. Moffitt* (1974) 417 U.S. 600; *People v. Hill* (1973) 9 Cal.3d 784, 786-787; *In re Lessard* (1965) 62 Cal.2d 497, 503; *In re Waltreus* (1965) 62 Cal.2d 218, 225.)

2nd Dist. American International Specialty Lines Insurance Co., Petitioner
B152909 v.
Div. 2 Los Angeles County Superior Court, Respondent
S101201 Metro-Goldwyn-Mayer Inc. et al., Real Parties in Interest
Application for stay and petition for review DENIED.

2nd Dist. John Wright, Petitioner
B153121 v.
Div. 2 Los Angeles County Superior Court, Respondent
S101416 Los Angeles Board of Supervisors et al., Real Parties in Interest
Petition for review DENIED.

3rd Dist. People, Respondent
C029416 v.
S100724 Terrence Fennell, Appellant
Petition for review DENIED.

3rd Dist. People, Respondent
C032993 v.
S100832 Thomas Ray Ward, Appellant
Petition for review DENIED.

3rd Dist. C034469 S101395	People, Respondent v. Ronald Howard, Appellant Petition for review DENIED.
3rd Dist. C034840 S101413	People, Respondent v. Greg Andrew Negrete, Appellant Petition for review DENIED.
3rd Dist. C035076 S101091	People, Respondent v. Edward Dwayne Jackson, Appellant Petition for review DENIED. Brown, J., and Moreno, J., are of the opinion the petition should be granted.
3rd Dist. C035888 S101496	People, Respondent v. George Porter Howard Jr., Appellant Petition for review DENIED.
3rd Dist. C036331 S101446	People, Respondent v. Eric Rafael Ford, Appellant Petition for review DENIED.
3rd Dist. C036499 S101492	People, Respondent v. Albert E. Gilding III, Appellant Petition for review DENIED.
3rd Dist. C037049 S101538	People, Respondent v. Adrian Robert Wondra, Appellant Petition for review DENIED.
3rd Dist. C037389 S101064	People, Respondent v. Miguel Wilson Young, Appellant Petition for review DENIED.

3rd Dist. C037803 S101414	People, Respondent v. Thomas E. Brewster, Appellant Petition for review DENIED.
3rd Dist. C039362 S101443	David Latin, Petitioner v. San Joaquin County Superior Court, Respondent People, Real Party in Interest Petition for review DENIED.
3rd Dist. C039431 S101481	Kanwaljit Kaur Mangat, Petitioner v. San Joaquin County Superior Court, Respondent People, Real Party in Interest Application for stay and petition for review DENIED.
3rd Dist. C039546 S102114	Dale M. Wallis et al., Petitioners v. Yolo County Superior Court, Respondent PHL Associates, Inc., Real Party in Interest Application for stay and petition for review DENIED.
4th Dist. D034739 Div. 1 S101308	People, Respondent v. Vernon Leroy Barker, Appellant Petition for review DENIED. Kennard, J., is of the opinion the petition should be granted.
4th Dist. D035608 Div. 1 S101504	People, Respondent v. Richard Aguirre, Appellant Petition for review DENIED.
4th Dist. D035844 Div. 1 S101069	People, Respondent v. Russell Taylor, Appellant Petition for review DENIED. The request for an order directing publication of the opinion is denied.

4th Dist. D037062 Div. 1 S101303	People, Respondent v. Michael W. Kapuscinski, Appellant Petition for review DENIED.
4th Dist. D037545 Div. 1 S101051	Sunset Moving & Storage Corporation, Plaintiff, Cross-defendant and Appellant v. Vincent Amato, Defendant, Cross-complainant and Appellant Far West Transportation Services, Inc. et al., Defendants and Respondents Petitions for review DENIED.
4th Dist. D038087 Div. 1 S100361	In re Henry Joseph Pedrazzi on Habeas Corpus Petition for review DENIED.
4th Dist. D038094 Div. 1 S100536	In re Philip Gilhousen on Habeas Corpus Petition for review DENIED.
4th Dist. E0026549 Div. 2 S101068	Estate of Domicela Wacław Ryterband, Plaintiff and Appellant v. American Airlines, Inc., Defendant and Respondent Petition for review DENIED.
4th Dist. E027204 Div. 2 S100978	People, Respondent v. Clifford Craig Howell, Appellant Petition for review DENIED.
4th Dist. E027362 Div. 2 S101440	People, Respondent v. Clarence Lerond Williams, Defendant Petition for review DENIED.
4th Dist. E027457 Div. 2 S100839	Donald W. Doerr, Plaintiff and Appellant v. City of Redlands et al., Defendants and Respondents Petition for review DENIED.

4th Dist. E027500 Div. 2 S101455	People, Appellant v. Pradith Phasouvor, Appellant Petition for review DENIED.
4th Dist. E027590 Div. 2 S101516	People, Respondent v. Ignacio Sanchez et al., Appellants Petition for review DENIED.
4th Dist. E027701 Div. 2 S101466	People, Respondent v. Bryan Miller, Appellant Petition for review DENIED.
4th Dist. E027995 Div. 2 S101411	People, Respondent v. Theodore Beech Medley, Appellant Petition for review DENIED.
4th Dist. E028528 Div. 2 S101508	People, Respondent v. Brian James Bartosh, Appellant Petition for review DENIED.
4th Dist. E029749 Div. 2 S100737	People, Petitioner v. San Bernardino County Superior Court, Respondent William Komar, Real Party in Interest Petition for review DENIED.
4th Dist. E030353 Div. 2 S101410	Tina Marie Grube, Petitioner v. San Bernardino County Superior Court, Respondent Chaparral Treatment Center, Real Party in Interest Petition for review DENIED. Kennard, J., is of the opinion the petition should be granted.
4th Dist. G025597 Div. 3 S101628	Francisco Newman, Plaintiff and Appellant v. Chapman University, Defendant and Respondent Petition for review DENIED.

4th Dist. Farm Capital Incorporated et al., Petitioners
G029698 v.
Div. 3 Orange County Superior Court, Respondent
S101430 Araceli Barragan, Real Party in Interest
Petition for review DENIED.

5th Dist. People, Respondent
F035204 v.
S101404 Lavar Jerome Harris, Appellant
Petition for review DENIED.
Baxter, J., was recused and did not participate.

5th Dist. People, Respondent
F035825 v.
S101449 Jack Dale Wells, Jr., Appellant
Petition for review DENIED.

5th Dist. People, Respondent
F036090 v.
S101398 Pablo Linares, Appellant
Petition for review DENIED.

5th Dist. In re Alexander K., a Person Coming Under the Juvenile Court Law
F037511 -----
S101460 Kern County Dept. of Human Services, Plaintiff and Respondent
v.
Jeffery K., Defendant and Appellant
Petition for review DENIED.

5th Dist. Richard Bishop, Petitioner
F038815 v.
S100829 Kern County Superior Court, Respondent
People, Real Party in Interest
Petition for review DENIED.
Baxter, J., was recused and did not participate.

5th Dist. Timothy James Young, Petitioner
F039054 v.
S101509 Tulare County Superior Court, Respondent
People, Real Party in Interest
Application for stay and petition for review DENIED.

6th Dist. H019808 S101310	People, Respondent v. Guillermo Solorio, Appellant Petition for review DENIED.
6th Dist. H019990 S100571	Eagle Square Partners, Plaintiff and Appellant v. Weyerhaeuser Company, Defendant and Appellant Louisiana Pacific Corporation, Defendant and Respondent Petition for review DENIED. Chin, J., was recused and did not participate.
6th Dist. H020213 S101409	People, Respondent v. Andre Lafayette Stevens, Appellant Petition for review DENIED.
6th Dist. H021018 S101514	People, Respondent v. Leonard Scott, Defendant and Appellant Petition for review DENIED.
6th Dist. H021019 S101029	People, Respondent v. Clarence Smith, Appellant Petition for review DENIED.
6th Dist. H021092 S101094	People, Respondent v. Leroy Benjamin, Appellant Petition for review DENIED.
6th Dist. H021620 S101461	People, Respondent v. Michael Robert Obiacoro, Appellant Petition for review DENIED.
6th Dist. H021803 S100906	People, Respondent v. Eric Bernard Bryant, Appellant Petition for review DENIED.

6th Dist. People, Plaintiff and Appellant
H021847 v.
S101458 Andre Dennis Calder, Defendant and Appellant
Petition for review DENIED.

6th Dist. In re Walter Richard Jones
H022622 on
S100335 Habeas Corpus
Petition for review DENIED.

1st Dist. Melanie Welch, Plaintiff and Respondent
A092262 v.
A092270 Oakland Unified School District, Defendant and Appellant
Div. 2 -----
S101083 Mark Petrofsky, Plaintiff and Respondent
v.
Oakland Unified School District, Defendant and Appellant
The requests for an order directing depublication of the opinion
in the above-entitled appeal are DENIED.

1st Dist. In re the Marriage of Semrin and Vahid Ettefagh
A093457 -----
Div. 5 Semrin Ettefagh, Appellant
S100996 v.
Vahid Ettefagh, Respondent
Hashem Ettefagh, Claimant and Respondent
The request for an order directing publication of the opinion in
the above-entitled appeal is denied.

2nd Dist. In re Alexander W., a Person Coming Under the Juvenile Court Law
B141371 -----
Div. 1 Department of Children and Family Services, Los Angeles County,
S097334 Plaintiff and Respondent
v.
Armando W., Defendant and Appellant
The request for an order directing publication of the opinion in
the above-entitled appeal is denied.

2nd Dist. Jonathan Gbenekama, Plaintiff and Appellant
B142083 v.
Div. 7 Andrew M. Wyatt, Defendant and Respondent
S100176 The request for an order directing publication of the opinion in
the above-entitled appeal is denied.

2nd Dist. Ben Rockwell, Plaintiff and Appellant
B142807 v.
Div. 4 Joe Notrica, Inc. et al., Defendants and Respondents
S100768 The request for an order directing publication of the opinion in
the above-entitled appeal is denied.

2nd Dist. CBS Broadcasting Inc., Petitioner
B148502 v.
Div. 4 Los Angeles County Superior Court, Respondent
S101572 California Department of Social Services, Real Party in Interest
The request for an order directing depublication of the opinion in
the above-entitled appeal is denied.

Orders were filed in the following matters extending the time within which to grant or deny a petition for review to and including the date indicated, or until review is either granted or denied:

A091354/S101338 Concord Communities L.P. v. City of Concord – January 8, 2002.

B139301/S101105 Universal Studios Inc. v. Aetna Casualty & Surety Company et al. – December 31, 2001.

B146965/S101265 People ex rel City of Santa Barbara v. Maria Caroline Townsend – January 7, 2002.

C029948/S101309 Christian P. Krough v. Reynolds Packing Inc. – January 7, 2002.

C0364064/S101119 In re the Marriage of Joyce Davis and Phillip Stanley Wolfe; Joyce Davis Wolfe v. Phillip Stanley Wolfe – December 31, 2001.

F038300/S101254 Executive Wings Inc. et al. v. Fresno County Superior Court;
Royal Insurance Company of America, RPI – January 9,
2002.

S014664 People, Respondent

v.

Mario Lewis Gray, Appellant

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's reply brief is extended to and including January 22, 2002.

No further extensions of time are contemplated.

S024645 People, Respondent

v.

Omar Dent III, Appellant

On application of respondent and good cause appearing, it is ordered that the time to serve and file respondent's brief is extended to and including December 5, 2001.

No further extensions of time are contemplated.

S040703 People, Respondent

v.

James Robinson, Jr., Appellant

Good cause appearing, and based upon counsel Susan K. Marr's representation that she anticipates filing the appellant's opening brief by "early January 2002," counsel's request for an extension of time in which to file that brief is granted to January 15, 2002. After that date, no further extension is contemplated.

S102013 American Utility Network, Petitioner

S102060 v.

California Public Utilities Commission, Respondent

Commonwealth Energy Corporation, Petitioner

v.

California Public Utilities Commission, Respondent

Philip Angelides, in his capacity as Treasurer of the State
Water Resources; California Dept. of Advocates; The Utility
Reform Network, Real Parties in Interest

On application of respondent Commission and good cause

appearing, it is ordered that the time to serve and file respondent's answers to two petitions is extended to and including December 18, 2001.

Respondent's request to file ONE answer to two petitions is hereby granted.

2nd Dist. Joan Stevenson
B143216 v.
Div. 2 Huntington Memorial Hospital et al.

The above-entitled matter, now pending in the Court of Appeal, Second Appellate District, is transferred from Division Two to Division Three.

2nd Dist. The People
B153327 v.
Div. 4 Waymon M.

The above-entitled matter, now pending in the Court of Appeal, Second Appellate District, is transferred from Division Four to Division Two.

114253- THE HONORABLE ART W. McKINSTER, Associate Justice of
01 the Court of Appeal, Fourth Appellate District, Division Two, is hereby assigned to assist the Supreme Court of California as a justice thereof, on November 20, 2001, and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Supreme Court justice, petitions for rehearing arising out of such causes and matters.

Dated: November 20, 2001

Ronald M. George
Chief Justice of California and
Chairperson of the Judicial Council

